IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4378 of 2005

Between:

1 V.V. Krishna Reddy, S/o. Subba Reddy,
R/o. Bypas Road, Buchireddy Palem, Nellore District.
2 Dasari Ankaiah, S/o. Venkaiah,
R/o. Gandhi Jana Sangham, Nagayagunta Post, Buchi Mandal, Nellore District.
3 K. Narasimha Reddy, S/o. Penchala Reddy,
R/o. Vengareddy Palem, Sangham Mandal, Nellore District.
4 S.K. Dasthagiri, S/o. S.K. Moula Saheb,
R/o. Duvvuru, Sangham Mandal, Nellore District.
5 P. Sankarayya, S/o. Seenaiah,
R/o. Santhinagar Vovveru, Buchireddypalem Mandal, Nellore District.
6 Ch. Venkatarami Reddy, S/o. Sankara Reddy,
R/o. Santhinagar Vovveru, Buchireddypalem Mandal, Nellore District.

..... PETITIONERS

AND

1 The Commissioner of Examinations, SSC Board, Nampally, Hyderabad.
2 The Director, SSC Board, Nampally, Hyderabad.
3 The District Educational Officer, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in seeking to shift the examination centre for private candidates from Buchireddypalem to Nellore without following rule of law and principles of natural justice is illegal, arbitrary, unjust and violation of Art. 14 and 21 of Constitution of India and consequently direct the Respondents to consider the representation dt. 1-3-2005 made by the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the

circumstances of the case.

Counsel for the Petitioner : MR. M.VENKATA NARAYANA

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.4378 OF 2005

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ORDER :

This writ petition is filed aggrieved by the action of the respondents in seeking to shift the Examination Centre for private candidates appearing for SSC Examinations scheduled to be held from 16-03-2005, from Buchireddypalem to Nellore.

In the affidavit filed in support of the writ petition, it is stated that in the year 2002, the Examination Centre for private candidates i.e., the candidates without school study was located at St. Thomas English Medium High School, Rebala, Buchireddypalem Mandal, Nellore District and more than 300 private candidates appeared for the said examinations. In the year 2003 also the same Centre was allotted to the private candidates. In the year 2004 the Examination Centre was allotted at Z.P.P. Girls High School in Buchireddypalem. However, for the year 2005 for the examinations scheduled to be conducted from 16-03-2005, the Examination Centre for the private candidates has been shifted from Buchireddipalem to Nellore which is at a distance of more than 30 KMs from Buchireddypalem. It is alleged that the examination centre allotted earlier in the years 2002 and 2003 was very convenient for the students from the surrounding villages like Sangam, Duvvur, and Ovveru and there is absolutely no justifiable reason for shifting the said centre from Buchireddypalem to Nellore. In the circumstances, the petitioners herein, who claim that their children are appearing for the SSC Examinations as private candidates, made a representation before the

1st respondent on 1-3-2005 requesting not to shift the Examination Centre from Buchireddypalem, however there is no response. Hence, this writ petition.

On behalf of the respondents, the Director of Government Examinations, A.P. filed a counter-affidavit stating that there are only three schools in Buchireddypalem which are suitable for conducting the SSC Examinations and all the regular and private candidates have to be accommodated in only those three schools. In the year 2004, five hundred students appeared for the SSC Examinations from the Centre at Government High School, Buchireddypalem. However the officials found it very difficult to accommodate 500 students in the said Centre and therefore in the year 2005 only 400 candidates are allotted to the said centre. That apart, for the year 2005 there is an increase of regular candidates to the extent of 100 and a total 847 students have to be accommodated at Buchireddypalem as against the accommodation made available as per the Schools / Centres constituted by the District Educational Officer is for 900 candidates. Hence, for the private candidates there is no accommodation available at Buchireddypalem. Consequently, the private candidates have been allotted the Examination Centre at Nellore. It is stated that Nellore is only 12 Kms away from Buchireddypalem and that it will take only half an hour to reach Nellore from Buchireddypalem. It is also stated that buses are available for every 10 to 15 minutes and it is incorrect to state that the distance between Buchireddypalem and Nellore is 30 Kms. It is also stated that to conduct examination for 370 candidates a building with 18 to 20 rooms together with compound wall is required and since no such accommodation is available at Buchireddypalem, the third respondent was constrained to shift the centre for private candidates from Buchireddypalem to Nellore.

I have heard the learned Counsel for the petitioner, the learned Government Pleader appearing for the respondents and perused the material on record.

In the light of the counter-affidavit filed on behalf of the respondents explaining the circumstances under which the Examination Centre has been shifted to Nellore and particularly in the absence of mala fides against anyone of the officials of the respondents, I do not find any justifiable reason to declare the action of the respondents as arbitrary or illegal. It is clear from the counter-affidavit that there is no

proper accommodation available for accommodating the private candidates at Buchireddypalem.

The learned Government Pleader submits that the examination centres are constituted after a thorough examination of several aspects particularly the local conditions. The learned Government Pleader also submits that all the arrangements are over for peaceful conduct of the examinations from 16-03-2005 and the Hall-tickets, School Nominal Rolls and other Examination Material have already been dispatched to the Concerned Schools and Hall-tickets have been distributed to the students.

In the circumstances and particularly when the competent authority having considered several local factors, has taken a decision with regard to location of the Examination Centre, this Court will not sit in Appeal over such a decision and the Mandamus as prayed for cannot be issued compelling the respondents to shift the Examination Centre already allotted at Nellore.

However, there shall be a direction to the respondents to take the appropriate steps, if necessary in consultation with APSRTC, so as to arrange conveyance from all the villages, so that the required number of buses are plied to suit the examination timings and to ensure that the students are not inconvenienced in any manner to reach the Examination Centre at Nellore.

Accordingly, the Writ Petition is disposed of with the above directions. No costs.

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15th March, 2005.

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To

1 The Commissioner of Examinations, SSC Board, Nampally, Hyderabad.
2 The Director, SSC Board, Nampally, Hyderabad.
3 The District Educational Officer, Nellore, Nellore District.

4. Two CCs to G.P. for School Education, High Court of AP Bldgs, Hyderabad (OUT).

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